

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ADAM CHANKO and BIBI CHANKO,

Plaintiffs,

-against-

DARLENE KOSSMAN, RICHARD
SCHERNE, and CAROL SCHERNE,

Defendants.
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MEMORANDUM AND ORDER
14-CV-06197 (FB) (RML)

Appearances:

For the Plaintiffs:

ADAM CHANKO, *Pro Se*
BIBI CHANKO, *Pro Se*
58-19 74th Street
Queens, NY 11379

For the Defendants:

WARREN S. DANK, ESQ.
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BLOCK, Senior District Judge:

On May 27, 2015, Magistrate Judge Robert Levy issued a Report and Recommendation (“R&R”) recommending that Plaintiff’s case be dismissed for failure to prosecute. R&R at 2. The R&R further provided that failure to object within fourteen days would preclude appellate review. *Id.* To date, no objections have been filed.

If clear notice has been given of the consequences of the failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure to timely to object to a magistrate’s

report and recommendation operates as a waiver of further judicial review of the magistrate's decision."'). The Court will excuse a failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk of the Court to enter judgment in accordance with the R&R.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
June 16, 2015